

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MOTION TO DISMISS OR, ALTERNATIVELY, FOR SUMMARY JUDGMENT

Pursuant to F.R.C.P. 12(b)(1) and (6) and 56, Defendants, Deloitte & Touche LLP and Deloitte & Touche USA LLP, incorrectly identified in the Complaint as Deloitte & Touche, LLP and Deloitte & Touche, USA, LLP, hereby move to dismiss Count V of Plaintiff's Amended Complaint. The grounds for this motion are more fully set forth in Defendants' Opening Brief in Support Of Their Motion To Dismiss or, Alternatively, for Summary Judgment, which has been filed contemporaneously herewith.

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Dated: June 20, 2006

CERTIFICATE OF SERVICE

I, **Sheldon N. Sandler, Esquire**, hereby certify that on **Tuesday, June 20, 2006**, I electronically filed a true and correct copy of the foregoing **Motion to Dismiss Or, Alternatively, For Summary Judgment** which will send notification that such filing is available for viewing and downloading to the following counsel of record. A courtesy copy of such **Motion to Dismiss Or, Alternatively, For Summary Judgment** was also hand delivered to the following counsel of record on this date.

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